

#31

DOCKET NO.: 244189US25INT
IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
GREG BENSON ET AL. : EXAMINER: VON BUHR, M.
SERIAL NO: 09/321,386 :
FILED: MAY 27, 1999 : GROUP ART UNIT: 2125
FOR: BENSON ET AL. v. GINTER ET AL. :

SUPPLEMENTAL 37 CFR 1.607 REQUEST FOR AN
INTERFERENCE

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

RECEIVED
2003 DEC -1 PM 4:13
UNITED STATES PATENT AND TRADEMARK OFFICE

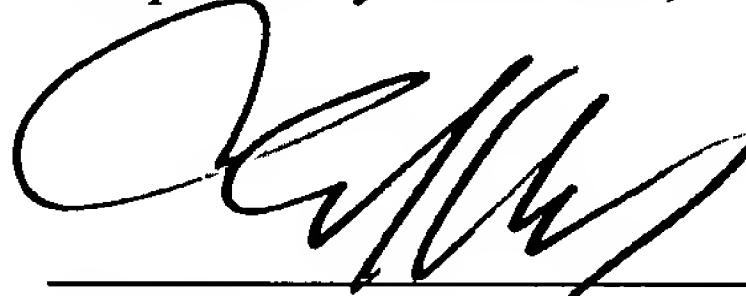
I. 37 CFR 1.607(a)(3) AND 37 CFR 1.607(a)(4)

In response to the November 21, 2003 notice from APJ Lee and upon further consideration of the issue presented therein, Benson agrees with the examiner's view that claim 4 of Benson III is patentably distinct from claim 1 of Benson III. Consequently, in both requests for interference being forwarded to the examiner for consideration, Benson hereby revises the list of claims that it believes should be designated as corresponding to the respective counts. Benson submits that claims 30-32, 34-41, 44-46, 48, 51, 56, 58-66, 68, and 69 of Benson II and claims 1-3, 5-12, 15-17, 19, 22, 27, 29-37, and 39-53 of Benson III should be designated as corresponding to the respective proposed counts. In particular, claims 33, 42, 43, 47, 49, 50, 57, and 67 of Benson II and claims 4, 13, 14, 18, 20, 21, 28, and 38 should not be designated as corresponding to the respective proposed counts.

Regarding U.S. patent Nos. 5,920,861; 6,138,119; 5,982,891; and 6,253,193, Benson submits that none of those patents include claims directed to "specific security control elements." Hence, the claims of the above noted patents that Benson proposed in its

November 20, 2003 requests to be designated as corresponding to the respective proposed counts need not be changed.

Respectfully submitted,



Charles L. Gholz
Registration No. 26,395
Attorney of Record
OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Alexandria, Virginia 22314
(703) 412-6485 (direct dial)
(703) 413-2220 (facsimile)
CGHOLZ@OBLON.COM (e-mail)

Customer Number

22850

Of Counsel:

W. Todd Baker, Esq.
Registration No. 45,265
OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
1940 Duke Street
Alexandria, Virginia 22314
(703) 412-6383 (direct dial)
(703) 413-2220 (facsimile)
TBAKER@OBLON.COM (e-mail)

Kurt M. Berger, Ph.D..
Registration No. 51,461
OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
1940 Duke Street
Alexandria, Virginia 22314
(703) 412-3520 (direct dial)
(703) 413-2220 (facsimile)
KBERGER@OBLON.COM (e-mail)

Frank Nguyen, Esq.
Registration No. 39,790
Director of IP & Patent Counsel
Macrovision Corp.
2830 De La Cruz Blvd.
Santa Clara, CA 95050
Telephone: 408-562-8424
Fax: 408-743-9659
Email: FNguyen@macrovision.com

David S. Park, Esq.
MacPherson Kwok Chen & Heid LLP
2402 Michelson Drive, Suite 210
Irvine, CA 92612
Telephone: 949-752-7040
Fax: 949-752-7049
Email: dpark@macpherson-kwok.com

I:\interference\cases\244189ben\Pleadings\Supp Req Int.doc